

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA) FOR "F" ROAD (LGA 2004-00010) PRIVATELY INITIATED AMENDMENT, MODIFYING PAGE 61 OF THE FLUA BY CHANGING THE FUTURE LAND USE DESIGNATION FOR APPROXIMATELY 3.63 ACRES, GENERALLY LOCATED ON THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND "F" ROAD, FROM RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES (RR-10) TO COMMERCIAL LOW-OFFICE, WITH UNDERLYING RURAL RESIDENTIAL, 1 UNIT PER 10 ACRES WITH A CONDITION; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 18 & 25 and July 9, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 17, 2004 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 15, 2004, which was the Department's

1 written review of the proposed Comprehensive Plan amendments; and

2 WHEREAS, on December 13, 2004 the Palm Beach County Board of
3 County Commissioners held a public hearing to review the written
4 comments submitted by the Department of Community Affairs and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendments as modified satisfy the concerns
8 addressed in the Department of Community Affairs' "Objections,
9 Recommendations and Comments Report" and comply with all requirements
10 of the Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Element of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

18 A. Future Land Use Atlas page 61 is amended as follows:

19 Application No.: "F" Road (LGA 2004-00010)

20 Amendment: From Rural Residential, 1 unit per 10 acres
21 (RR-10) to Commercial Low-Office, with
22 underlying Rural Residential, 1 unit per 10
23 acres;
24

25 General Location: Northeast corner of Southern Boulevard and
26 "F" Road;

27 Size: Approximately 3.63 acres;

28 B. Condition: This site is subject to the following
29 conditions:

30 1. The site shall be limited to medical office uses only.

31 Part II. Repeal of Laws in Conflict

32 All local laws and ordinances applying to the unincorporated area
33 of Palm Beach County in conflict with any provision of this ordinance
34 are hereby repealed to the extent of such conflict.
35
36

1 Part III. Severability

2 If any section, paragraph, sentence, clause, phrase, or word of
3 this Ordinance is for any reason held by the Court to be
4 unconstitutional, inoperative or void, such holding shall not affect
5 the remainder of this Ordinance.

6 Part IV. Inclusion in the 1989 Comprehensive Plan

7 The provision of this Ordinance shall become and be made a part
8 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
9 Ordinance may be renumbered or relettered to accomplish such, and the
10 word "ordinance" may be changed to "section," "article," or any other
11 appropriate word.

12 Part V. Effective Date

13 The effective date of this plan amendment shall be the date a
14 final order is issued by the Department of Community Affairs or
15 Administration Commission finding the amendment in compliance in
16 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
17 applicable. No development orders, development permits, or land uses
18 dependent on this amendment may be issued or commence before it has
19 become effective. If a final order of noncompliance is issued by the
20 Administration Commission, this amendment may nevertheless be made
21 effective by adoption of a resolution affirming its effective status,
22 a copy of which resolution shall be sent to the Florida Department of
23 Community Affairs, Division of Community Planning, Plan Processing
24 Team. An adopted amendment whose effective date is delayed by law
25 shall be considered part of the adopted plan until determined to be
26 not in compliance by final order of the Administration Commission.

1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 13 day of December, 2004.

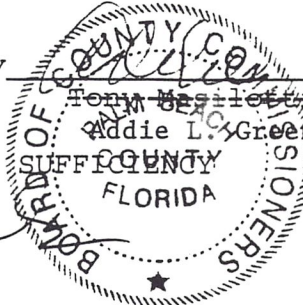
6 ATTEST:
7 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

8
9
10 By: *Donna C. Wilken*
11 Deputy Clerk

By: *Greene*
12 ~~Tommy H. Hiett, Chairman~~
13 ~~Addie L. Greene, Vice-Chair~~

14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
15 *Robert P. B...*
16 COUNTY ATTORNEY



17
18 Filed with the Department of State on the 17 day
19 of December, 2004.

20
21 T:\Planning\AMEND\04-2\admin\bccadopt\Ordinances\F Road.doc
22

EXHIBIT 1

Amendment No.: "F" Road (LGA 2004-00010)

FLUA Page No.: 61

Amendment: From Rural Residential, 1 unit per 10 acres (RR-10) to Commercial Low-Office, with underlying Rural Residential, 1 unit per 10 acres (CL-O/RR-10)

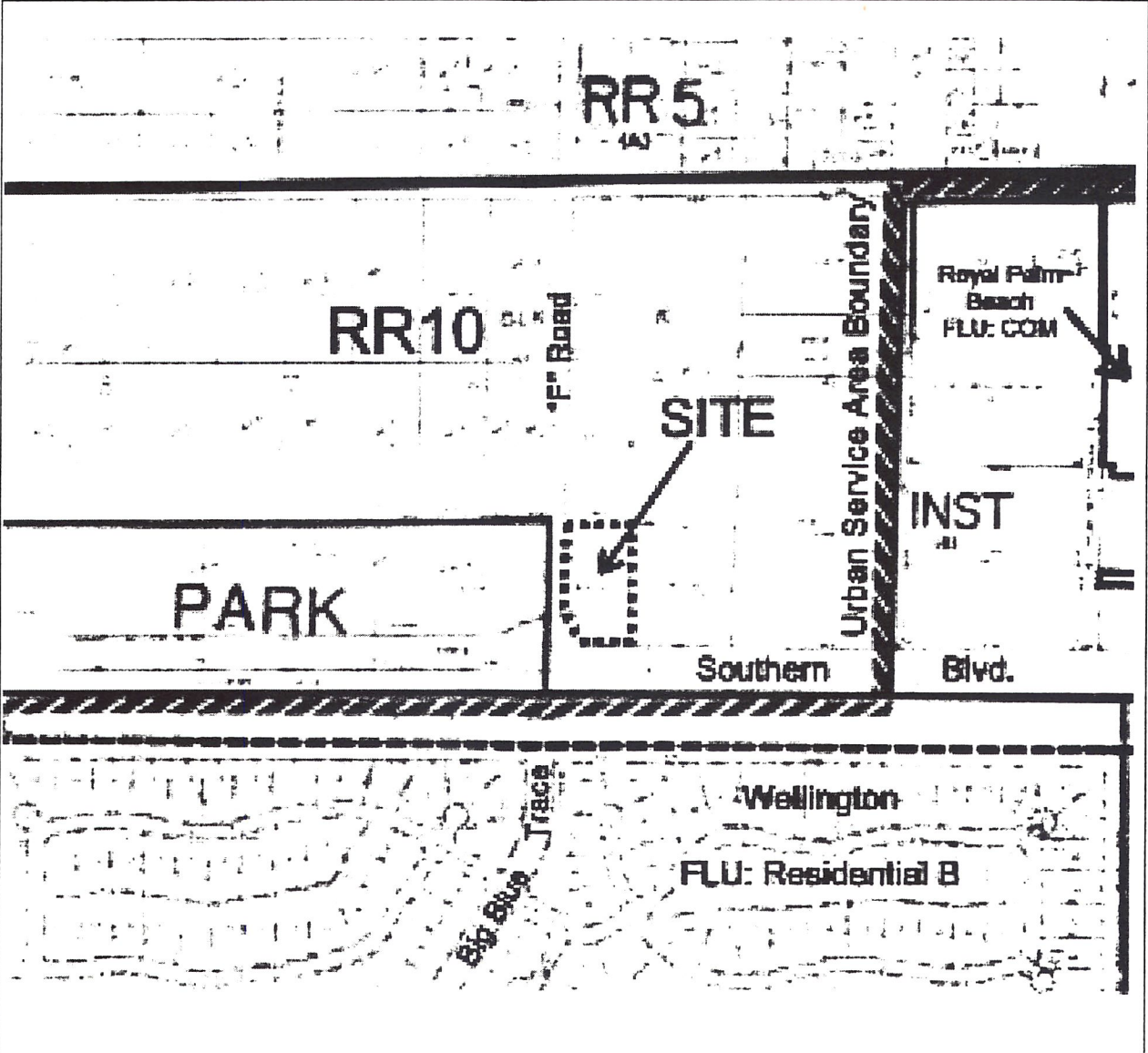
Location: Northeast corner of Southern Boulevard and "F" Road

Size: Approximately 3.63 acres

Property No.: 00-41-43-17-01-905-0040

Legal Description: See attached

Conditions: The site shall be limited to medical office uses only.



LEGAL DESCRIPTION:

THE SOUTH 700 FEET OF THE WEST 310 FEET OF THAT PART OF TRACT 5, BLOCK K, LYING NORTH OF STATE ROAD 80, REPLAT OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 12, PAGE 29.

LESS AND EXCEPT THAT PORTION ACQUIRED BY THE ORDER OF TAKING RECORDED IN O.R. BOOK 5444, PAGE 1644, DESCRIBED AS FOLLOWS:

THAT PART OF TRACT 5 IN BLOCK K OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 12, PAGE 29 OF THE PUBLIC RECORDS IN PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, TOWNSHIP 43 SOUTH, RANGE 41 EAST; THENCE S.01°22'50"W. ALONG THE WEST LINE OF SAID SECTION 33, A DISTANCE OF 3524.15 FEET TO THE BASELINE OF SURVEY FOR STATE ROAD 80; THENCE S.88°26'59"E., A DISTANCE OF 197.34 FEET; THENCE S.88°29'13"E., A DISTANCE OF 2418.09 FEET; THENCE N.01°30'47"E., A DISTANCE OF 50.00 FEET TO THE NORTHERLY EXISTING RIGHT OF WAY FOR STATE ROAD 80 AND THE POINT OF BEGINNING; THENCE N.02°15'12"E., A DISTANCE OF 267.84 FEET; THENCE S.87°44'48"E., A DISTANCE OF 76.00 FEET; THENCE S.02°15'12"W., A DISTANCE OF 111.84 FEET; THENCE S.43°07'00"E., A DISTANCE OF 49.18 FEET; THENCE S.88°29'13"E., A DISTANCE OF 198.61 FEET; THENCE S.02°14'53"W., A DISTANCE OF 120.01 FEET TO THE NORTHERLY EXISTING RIGHT OF WAY FOR STATE ROAD 80; THENCE N.88°29'13"W., A DISTANCE OF 309.68 FEET TO THE POINT OF BEGINNING.

SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD. CONTAINING 158,442 SQUARE FEET OR 3.637 ACRES, MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on December 13, 2004
dated at West Palm Beach, FL on 1/28/05
By: L. Anne Brown
Deputy Clerk